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SENATE

REPORT
101-307

CHACOAN OUTLIERS PROTECTION ACT OF 1989

JUNE 7 (legislative day, APRIL 18), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 798]

The Committee on Energy and Natural Resources to which was referred the bill (S. 798) to amend Title V of the Act of December 19, 1980, designating the Chaco Culture Archaeological Protection Sites, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1990."

SEC. 2. AMENDMENT OF PURPOSES.

Subsection (b) of section 501 of the Act of December 19, 1980 (94 Stat. 3228, Public Law 96-550), is hereby amended by striking "San Juan Basin;" and inserting in lieu thereof "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO ARCHEOLOGICAL PROTECTION SITES.

Subsection (b) of section 502 of the Act of December 19, 1980 (94 Stat. 3228, Public Law 96-550), is hereby amended by deleting it in its entirety and replacing it with the following new subsection (b):

"(b) Thirty-seven outlying sites are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-seven archeological protection sites totalling approximately thirteen thousand seven hundred sixty-seven acres identified as follows:

Name:	*Acres*
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23

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Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jaquez	26
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angels	40
Upper Kin Klizhin	60.".

SEC. 4. MAP.

A map entitled "Chaco Culture Archeological Protection Sites" generally depicting the thirty-seven outlying sites shall be kept on file and available for public inspection in the Office of the Headquarters of the Chaco Culture National Historical Park, the office of the State Director of the Bureau of Land Management in Santa Fe, New Mexico, the Office of the Area Director of the Bureau of Indian Affairs in Window Rock, Arizona, and the offices of the State Historic Preservation Officers of Arizona and New Mexico.

SEC. 5. AMENDMENTS TO THE MASAU TRAIL.

(a) Section 201 of the Act of December 31, 1987 (101 Stat. 1539, Public Law 100-225) is hereby amended by striking "New Mexico and eastern Arizona" wherever it occurs and inserting in lieu thereof "New Mexico, eastern Arizona, and southwestern Colorado".

(b) The first sentence of section 202 of the Act of December 31, 1987 (101 Stat. 1539, Public Law 100-225), as amended is further amended by striking "and Zuni-Cibola National Historical Park" and inserting "Zuni-Cibola National Historical Park, and Petroglyph National Monument".

Purpose of the Measure

The purpose of S. 798, as ordered reported, is to expand the system of Chacoan Archeological Protection Sites established in 1980 by adding seven new sites, deleting three sites and enlarging the boundary of 13 existing sites.

Background and Need

Chaco Canyon lies within the San Juan Basin in northwestern New Mexico. The site, which contains the archeological remains of the Chacoan Anasazi Indian culture, was designated a national monument in 1907. The Canyon was the center of the Anasazi civilization, which emerged and then mysteriously disappeared within a brief, 400 year period, from 900 A.D. to 1300 A.D.

After the monument was established, subsequent exploration led to the discovery of a number of outlying sites, some as far as 100 miles from Chaco Canyon. These sites, spread out over 30,000 square miles, were the remnants of a network of outlying communities, all linked to Chaco Canyon and the other sites by an extensive system of prehistoric roads. In the late 1920's, the monument was expanded to incude additional ruins that were ascertained to be of Chacoan Anasazi affiliation.

In the 1950's and 1960's, increased energy and mineral exploration and development in the region led to the discovery of a number of additional Chacoan outliners. In 1980, Congress passed Public Law 96-550 (16 U.S.C. 410ii, et seq.). Title V renamed the monument "Chaco Culture National Historical Park," enlarging the site by approximately 13,000 acres to a total size of approximately 33,990 acres.

The legislation also created a system of Chaco Culture Archeological Protection Sites, consisting of 33 outlying sites totaling approximately 8,800 acres. Unlike Chaco Culture National Historical Park, these sites are not treated as units of the National Park System. Instead, they are managed primarily by the Bureau of Land Management, the Bureau of Indian Affairs and the Navajo Indian Nation. The addi-

tion or deletion of sites to or from the system may only be authorized by an Act of Congress.

Large deposits of uranium, natural gas, oil and coal are believed to lie beneath the San Juan basin. Energy exploration and development are permitted on and adjacent to the archeological protection sites as long as such exploration and development does not endanger the cultural values of the sites.

Legislative History

S. 798 was introduced by Senators Domenici and Bingaman on April 13, 1989. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on July 27, 1989.

At the business meeting on May 23, 1990, the Senate Committee on Energy and Natural Resources ordered S. 798, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on May 23, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 798 if amended, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad*	
Mr. Heflin*	
Mr. Rockefeller	
Mr. Akaka	
Mr. McClure*	
Mr. Hatfield*	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn*	
Mr. McConnell*	

*Indicates voted by proxy.

Committee Amendments

During the consideration of S. 798, the Committee adopted an amendment in the nature of a substitute. The substitute amendment makes several technical and conforming changes in the bill as introduced. In addition, in response to testimony received at the Subcommittee hearing from the National Park Service, the amendment adds a new site not included in the bill as introduced, deletes three sites from the Chacoan Outliers Protection System and modifies the boundaries of several existing sites.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill as the "Chacoan Outliers Protection Act of 1990".

Section 2 makes a technical amendment to the 1980 Act to clarify the fact some outlier sites may lie outside the San Juan Basin.

Section 3 provides the revised list of Chacoan Outliers which comprise the Chacoan Outliers Protection System. The new system now will consist of 37 archeological protection sites totalling approximately 13,767 acres.

The Committee recommends that the Secretary of the Interior submit in writing within 1 year a report on the status of the implementation of the Chao Culture Archaeological Protection Site System. The report should include a list of lands and interests in lands that the Secretary proposes to acquire pursuant to Section 508 of Public Law 96–550, a schedule for the acquisition of such lands and interests, a plan for the enforcement of the provisions of the Archaeological Resources Protection Act, and a comprehensive assessment of the needs for curation, data retrieval, dating, interpretation, law enforcement, management, mapping, protection, reconnaissance, stabilization, and surveying of features and artifacts related to the Chacoan system in the San Juan Basin and beyond.

Section 4 provides for the preparation of a map generally depicting the new sites and directs that the map be kept on file and available at several locations.

Section 5 amends that portion of the Act of December 31, 1987 (101 Stat. 1539, Public Law 100–225), which established the Masau Trail. These amendments are technical and conforming and are self-explanatory.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 798, the Chacoan Outliers Protection Act of 1990, as ordered reported by the Senate Committee on Energy and Natural Resources on May 23, 1990. Enactment of this bill would result in no significant cost to the federal government and in no cost to state or local governments.

S. 798 would expand the number of Chaco culture archeological protection sites administered by the Department of the Interior. The newly added sites are already on public lands and would probably require only appropriate markers.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah S. Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evulation of the regulatory impact which would be incurred in carrying out S. 798. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 798, as reported.

EXECUTIVE COMMUNICATIONS

On July 11, 1989, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 798. These reports had not been received at the time the report on S. 798 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the appropriate agency at the Subcommittee hearing follows:

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on this legislation.

We strongly recommend the enactment of S. 798, the Chacoan Outliers Protection Act of 1989.

Thirty-three outlying Chacoan sites were designated for protection in the Chacoan Outliers System established in 1980 by Public Law 96–550. S. 798 would:

Add the following sites for designation in the system:

	Acres
Chimney Rock	3,160
Guadalupe	115
Casamero	160
Manuelito	
Kin Hochoi	116
Atsee Nitsaa	60

Amend the boundaries of certain existing components of the outliers system.

The earliest evidence of human occupation in the San Juan Basin dates to about 10,000 years ago, when Paleo-Indian hunters roamed the area. The period from A.D. 500 to 900 witnessed the gradual evolution of Anasazi sites.

In the early to Mid-900's, in the area of northwest New Mexico drained by the Chaco River—the heartland of the Chacoan Anasazi culture—development progressed rapidly, best exemplified by the appearance of half a dozen large Pueblos, or Chacoan structures. Although evidence is incomplete it appears that Chaco Canyon was the Economic, administrative, and perhaps ceremonial center of a network involving as many as 75 outlying communities, which were spread over an area of 30,000 square miles and connected by a remarkable system of straight roads and possible signal sites.

Chaco Canyon flourished until the mid-1100's. By A.D. 1300 the entire four corners area was abandoned. The reason for abandonment may have been the imbalance created by a quickly expanding population and exhausted natural resources.

Chaco Canyon, designated a national monument in 1907, contains spectacular archeological remains of this Native American past. In the 1920's, the boundaries of the monument were enlarged to include additional ruins ascertained to be Chacoan. During the next 40 years characteristics unique to the Chacoan culture were identified, and many outlying sites (now called outliers), as far as 100 miles from the canyon proper, were located.

While some sites remain relatively undisturbed because of isolation, inaccessibility, or vigilant landowners, others have suffered minor to substantial vandalism. Several of the outliers show the impacts of sanctioned activities including pipeline, powerline, and road construction, mining and energy development, and previous archeological investigations.

Recognizing the potential for conflicts between resource preservation and development, on December 19, 1980, Congress passed title V of Public Law 96-550 to direct activities pertaining to Chacoan resources in the San Juan Basin. The primary purpose under Title V was to provide for the preservation, protection, research, and interpretation of the Chacoan system by:

Enlarging the monument by approximately 13,000 acres and renaming it the Chaco Culture National Historical Park

Authorizing a system of 33 outlying archeological protection sites (totaling approximately 9,000 acres) identified as part of the Chacoan system, and providing for the addition of other sites that may be discovered;

Authorizing a continuing program of archeological research in the San Juan Basin; and

Requiring a joint management plan developed by those agencies having jurisdiction over or interest in lands containing the sites.

The plan was to provide guidelines for identification, preservation, protection, and research at the archeological sites. In response to that mandate, the Chaco Culture Interagency Management Group [IMG] was established by cooperative agreement in January 1981. The group, which includes representatives from the Bureau of Land Management, the Bureau of Indian Affairs, the State of New Mexico, the Navajo Tribe, and the National Park Service, set up an interagency planning team which prepared reconnaissance studies evaluating the sites, and developed guidelines and procedures. During plan preparation, a U.S Forest Service representative was formally added to the IMG. The joint management plan was completed and distributed to the Public in October 1983.

Many significant accomplishments have been achieved since the enactment of Public Law 96-550. To mention just a few:

NPS completed a new general management plan for the Chaco Culture National Historical Park.

BLM has completed cultural resource management plans for all of its publicly owned properties.

Stabilization maintenance has been carried out at the Chimney Rock site by the USFS, and at Kin Nizhoni, Twin Angels, and Casamero by BLM.

All BLM sites are being actively patrolled, and efforts are underway to standardize monitoring reports.

Five of the BLM outliers, along with Chaco Canyon proper, were accepted by the United Nations for inclusion on the world heritage list—a listing which recognizes their world-wide significance.

Private mineral rights under seven outliers and Chaco Canyon were acquired by BLM in 1986. This increased Federal protection of these sites.

Cadastral surveys, fencing projects, and grazing withdrawals have been carried out by BLM to provide additional protection of certain sites.

Both the NPS and the BLM have continued to publish the results of research into prehistoric Chacoan roads and subsistence/settlement patterns.

BLM has constructed a parking lot and walk-through gate at the Casamero site to enhance public visitation.

BLM has entered into a cooperative management agreement to improve the protection of the privately owned Jacques site. The development of such partnerships with the private sector will play a vital role in the protection of the Chacoan Outlier System.

BLM completed intensive surveys of several of its publicly owned outliers to fully document the extent of the outlying prehistoric communities.

The sites proposed for designation and addition in S. 798 were found by the Interagency Management Group to meet criteria for inclusion in the protection system, and the joint management plan recommends they be designated for inclusion in the protection system.

Similarly, the additions to the existing sites were found by the interagency management group to be necessary for adequate protecton of newly discovered resources at the sites.

The management agencies for these proposed additions include:

Bureau of Land Management—two sites.

Navajo Tribe, Bureau of Land Management—share one site.

Forest Service—one site.

State of New Mexico—one site.

In addition to the changes proposed in S. 798, we recommend the following amendments to S. 798 in order to implement recent planning decisions of the IMG:

(1) Delete the Squaw Springs site, 870 acres, as the Ute Indians strongly prefer to protect and manage their own site.

(2) Delete the Morris 41 site, 85 acres, as the site has lost its integrity due to recent damage by a previous owner.

(3) Delete the Las Ventanas site, 356 acres, because it has recently been acquired by the National Park Service, and incorporated into the El Malpais National Monument.

(4) Add Salmon Ruin, 5 acres, because it meets the criteria of a classic Chacoan outlier site, and should be designated for inclusion in the system, as recently determined by the Interagency Management Group. The lead would be the Bureau of Land Management.

(5) Reduce the acreage of the Jacques, Muddy Water, section 8 and Shunk Springs/Crumbled House sites to 26, 1,090, 10 and 533 acres, respectively. These reduced acreages more accurately reflect the extent and location of cultural resources that are found on these sites.

(6) In the nature of technical amendment, we suggest that S. 798 include language to clarify that outlier sites may lie outside the San Juan Basin. As the IMG continues to investigate the network of Chacoan sites, it is becoming apparent that their system was more extensive than the San Juan Basin proper. We would be pleased to work with the committee to develop appropriate language for amending S. 798 along these lines.

The changes proposed in S. 798, plus the amendments proposed in this testimony, would result in 12,521 acres in the protection system. The protection system designated in Public Law 96-550 totaled 8,771 acres.

No acquisition is proposed for the sites proposed for designation in this legislative proposal, and addition of these sites for designation in the system does not require new budget authority.

Enactment of S. 798, plus our recommended amendments, will implement the recommendations of the joint management plan and the Interagency Management Group.

This concludes my prepared testimony, Mr. Chairman. I would be pleased to answer any questions you may have.

Changes in Existing Law

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law made by the bill as reported (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law to which no change is proposed is shown in roman):

AN ACT To designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes.

[94 Stat. 3228]

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TITLE V—CHACO CULTURE NATIONAL HISTORICAL PARK

Sec. 501. (a) The Congress finds that—

(1) archeological research in the San Juan Basin conducted over the past several years has greatly increased public knowledge of the scope of the prehistoric culture referred to as Chacoan Anasazi:

(2) the discoveries and the increased general interest in the Chaco phenomenon have come at a time when the San Juan Basin is experiencing extensive exploration and development for a wide variety of energy-related resources, including coal, uranium, oil, and natural gas;

(3) development of the San Juan Basin's important natural resources and the valid existing rights of private property owners will not be adversely affected by the preservation of the archeological integrity of the area; and

(4) in light of the national significance of the Chacoan sites and the urgent need to protect them, continued cooperation between Federal agencies and private corporations is necessary to provide for development in the San Juan Basin in a manner compatible with preservation and archeological research.

(b) It is the purpose of this title to recognize the unique archeological resources associated with the prehistoric Chacoan culture in the [San Juan Basin;] *San Juan Basin and surrounding areas;* to provide for the preservation and interpretation of these resources; and to facilitate research activities associated with these resources.

Sec. 502. (a) There is hereby established in the State of New Mexico, the Chaco Culture National Historical Park comprising ap-

proximately thirty three thousand nine hundred and eighty nine acres as generally depicted on the map entitled "Chaco Culture National Historical Park", numbered 310/80,032-A and dated August 1979. The Chaco Canyon National Monument is hereby abolished, as such, and any funds available for the purpose of the monument shall be available for the purpose of the Chaco Culture National Historical Park.

[(b) Thirty three outlying sites generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033-A and dated August 1980, and hereby designated as "Chaco Culture Archeological Protection Sites". The thirty three archeological protection sites totaling approximately eight thousand seven hundred and seventy one acres are identified as follows:

Name:	Acres
Allentown	42
Andrews Ranch	640
Bee Burrow	40
Bisa'ani	131
Casa del Rio	40
Coolidge	15
Dalton Pass	10
Great Bend	19
Greenlee Ruin	60
Grey Hill Spring	23
Halfway House	40
Haystack	115
Hogback	371
Indian Creek	100
Jacques	40
Kin Nizhoni	726
Land Valley	30
Las Ventanas	31
Morris 41	85
Muddy Water	1,210
Newcomb	44
Peach Springs	985
Pierre's Site	440
Raton Well	23
San Mateo	14
Sanostee	1,565
Section 8	40
Skunk Springs/Crumbled House	588
Standing Rock	321
Twin Angels	40
Toh-la-kai	10
Upper Kin Klizhin	60
Squaw Springs	870]

(b) Thirty-seven outlaying sites are hereby designated as "Chaco Culture Archeological Protection Sites". The thirty-seven archeological protection sites totalling approximately thirteen thousand seven hundred sixty-seven acres identified as follows:

Name:	
Allentown	*380*
Andrews Ranch	*950*
Bee Burrow	*480*
Bisa'ani	*131*
Casa del Rio	*40*
Casamero	*160*
Chimney Rock	*3,160*
Coolidge	*450*
Dalton Pass	*135*

Great Bend	*26*
Greenlee Ruin	*60*
Grey Hill Spring	*23*
Guadalupe	*115*
Halfway House	*40*
Haystack	*565*
Hogback	*453*
Indian Creek	*100*
Jaquez	*26*
Kin Nizhoni	*726*
Lake Valley	*30*
Manuelito-Atsee Nitsaa	*60*
Manuelito-Kin Hochoi	*116*
Muddy Water	*1,090*
Navajo Springs	*260*
Newcomb	*50*
Peach Springs	*1,046*
Pierre's Site	*440*
Raton Well	*23*
Salmon Ruin	*5*
San Mateo	*61*
Sanostee	*1,565*
Section 8	*10*
Skunk Springs/Crumbled House	*533*
Standing Rock	*348*
Toh-la-kai	*10*
Twin Angels	*40*
Upper Kin Klizhin	*60*

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AN ACT To establish the El Malpais National Monument and the El Malpais National Conservation Area in the State of New Mexico, to authorize the Masau Trail, and for other purposes.

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TITLE II—MASAU TRAIL

DESIGNATION OF TRAIL

SEC. 201. In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally significant sites of antiquity in [New Mexico and eastern Arizona], *New Mexico, eastern Arizona, and southwestern Colorado* which are accessible by public road, the Secretary, acting through the Director of the National Park Service with the concurrence of the agency having jurisdiction over such roads, in authorized to designate, by publication of a description thereof in the Federal Register, a vehicular tour route along existing public roads linking prehistoric and historic cultural sites in [New Mexico and eastern Arizona]. *Such a route shall be known as the Masau Trail (hereinafter referred to as the "trail").*

AREAS INCLUDED

SEC. 202. The trail shall include public roads linking El Malpais National Monument as established pursuant to part A El Morro National Monument, Chaco Cultural National Historical Park, Aztec Ruins National Monument, Canyon De Chelly National Monument, Pecos National Monument, Gila Cliff Dwellings National Monument, **[**and Zuni-Cibola National Historical Park**]** *Zuni-Cibola National Historical Park and Petroglyph National*

Monument. The Secretary may, in the manner set forth in section 201 of this title, designate additional segments of the trail from time to time as appropriate to link the foregoing sites with other cultural sites or sites of national significance when such sites are designated and protected by Federal, State or local governments, Indian tribes, or nonprofit entities.

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